

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 574**

---

---

**Introduced by Assembly Member Hill**

February 25, 2009

---

---

An act to add Section 1286.5 to the Health and Safety Code, relating to health facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 574, as amended, Hill. Health facilities: smoking.

Existing law establishes various programs for the prevention of disease and the promotion of health to be administered by the State Department of Public Health, including, but not limited to, a program for the licensing and regulation of health facilities. A violation of these provisions is a misdemeanor.

Existing law, with certain exceptions, prohibits smoking in patient care areas, waiting rooms, and visiting rooms of specified health facilities, including general acute care hospitals. A violation of these provisions is an infraction.

This bill would *for a general acute care hospital, instead*, prohibit smoking in all areas of ~~a general acute care~~ *the* hospital and throughout the entire hospital campus, as specified. The bill would require general acute care hospitals to post specified signs and train employees on the smoking policy. ~~The~~

*The bill would specify that the smoking prohibition does not prevent smoking on a hospital campus by a patient if the treating physician determines that the patient's treatment will be substantially impaired*

*by the denial to the patient of the use of tobacco and the physician enters a written order permitting the use of tobacco by that patient.*

*The bill would also specify that violation of these provisions does not constitute either a misdemeanor or an infraction.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1286.5 is added to the Health and Safety  
2 Code, to read:  
3 1286.5. (a) Notwithstanding Section 1286, smoking shall be  
4 prohibited in all areas of a general acute care hospital and  
5 throughout the entire hospital campus, including, but not limited  
6 to, buildings, parking areas, plazas, vehicles, underground passages,  
7 and sidewalks, unless there is a government-mandated exception.  
8 Public thoroughfares and sidewalks adjacent to the general acute  
9 care hospital but not owned by the hospital are not subject to this  
10 section.  
11 (b) A general acute care hospital subject to subdivision (a) shall  
12 post signs stating that smoking is prohibited on the entire hospital  
13 campus at building entrances and in other conspicuous locations.  
14 New employees shall be advised of this policy during orientation  
15 and current employees shall be informed of the policy at least 60  
16 days prior to implementation.  
17 (c) A general acute care hospital may provide interested patients,  
18 visitors, and staff with information on, or refer them to, smoking  
19 cessation services.  
20 (d) A city, county, or city and county may adopt and enforce  
21 additional smoking and tobacco control ordinances, regulations,  
22 or policies that are no less stringent than the applicable standards  
23 under this section.  
24 (e) This section shall not apply to property owned or leased by  
25 the hospital that is distinct from, and not part of, the principal  
26 medical campus and that is used for nonhealth care-related  
27 purposes.  
28 (f) This section shall not be subject to the provisions of Section  
29 1290.

1 (g) It is the intent of this section to encourage and assist smokers  
2 to quit tobacco use and to reduce the associated risks of tobacco  
3 smoke to hospital patients, staff, and visitors.

4 (h) *This section shall not prevent smoking on a hospital campus*  
5 *by a patient if the treating physician determines that the patient's*  
6 *treatment will be substantially impaired by the denial to the patient*  
7 *of the use of tobacco and the physician enters a written order*  
8 *permitting the use of tobacco by that patient.*

O